

Remarks

Upon entry of the amendment claims 1-27 will be pending in the above application. Applicants have canceled claims 28-34 without prejudice to the subject matter contained therein. Applicants have withdrawn claims 14-20 in light of the restriction requirement. Applicants have amended the claims to conform to US patent practice. Claims 1-6 (in part), 7-13, and 21-28 are ready for examination.

Restriction Requirement

The Examiner has set forth a restriction requirement consisting of two groups.

Invention I, Claims 1-6 (in part), 7-13, 21-28 and 34 (in part), drawn to compounds of the formula of claim 1 wherein L is (II) and their subsequent compositions and methods. An election of species is required.

Invention II, Claims 1-6 (in part), 14-20, 21-28 and 34 (in part), drawn to compounds of the formula of claim 1 wherein L is (III) and their subsequent compositions and methods. An election of species is required.

Election

Applicants respectfully elect Invention I for examination; however, Applicants respectfully submit that examination of L is formula (III) fails to constitute an undue burden of searching. Therefore Applicants have not canceled the pertaining subject matter from claims 1-6 and 21 or the non-elected claims for convenience, if the Examiner determines that the initial restriction was not needed.

Applicants elect the compound of Example 4.

Conclusion

Applicants have addressed each and every issue set forth by the Examiner. Applicants respectfully submit that the present application is in good condition for examination.

If the Examiner believes for any reason that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (617) 871-4125.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 19-0134 for any additional fees under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly extension of time fees.

Respectfully submitted,


Mark W. Milstead
Attorney for Applicant
Reg. No. 45,825

Novartis Institute for Biomedical Research
NIBR Patents
400 Technology Square
Cambridge, MA 02139
(617) 871-4125

Date: April 17, 2008